

AMENDMENTS TO LB376

Introduced by General Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Sec. 9. Section 53-123.11, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 53-123.11 (1) A farm winery license shall entitle the holder to:

6 (a) Sell wines produced at the farm winery onsite at wholesale and
7 retail and to sell wines produced at the farm winery at off-premises
8 sites holding the appropriate retail license;

9 (b) Sell wines produced at the farm winery at retail for consumption
10 on the premises as designated pursuant to section 53-123.12;

11 (c) Permit a customer to remove one unsealed bottle of wine for
12 consumption off the premises. The licensee or his or her agent shall (i)
13 securely reseal such bottle and place the bottle in a bag designed so
14 that it is visibly apparent that the resealed bottle of wine has not been
15 opened or tampered with and (ii) provide a dated receipt to the customer
16 and attach to such bag a copy of the dated receipt for the resealed
17 bottle of wine. If the resealed bottle of wine is transported in a motor
18 vehicle, it must be placed in the trunk of the motor vehicle or the area
19 behind the last upright seat of such motor vehicle if the area is not
20 normally occupied by the driver or a passenger and the motor vehicle is
21 not equipped with a trunk;

22 (d) Ship wines produced at the farm winery by common carrier and
23 sold at retail to recipients in and outside the State of Nebraska, if the
24 output of such farm winery for each calendar year as reported to the
25 commission by December 31 of each year does not exceed thirty thousand
26 gallons. In the event such amount exceeds thirty thousand gallons, the
27 farm winery shall be required to use a licensed wholesaler to distribute

1 its wines for the following calendar year, except that this requirement
2 shall not apply to wines produced and sold onsite at the farm winery
3 pursuant to subdivision (1)(a) of this section;

4 (e) Allow sampling and sale of the wine at the farm winery and at
5 four branch outlets in the state in reasonable amounts;

6 (f) Sell wines produced at the farm winery to other Nebraska farm
7 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
8 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
9 regulations existed on January 1, 2008;

10 (g) Purchase distilled spirits from licensed microdistilleries in
11 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
12 winery wine to be used in the production of fortified wine at the
13 purchasing licensed farm winery;

14 (h) Store and warehouse products produced at the farm winery in a
15 designated, secure, offsite storage facility if the holder of the farm
16 winery license notifies the commission of the location of the facility
17 and maintains, at the farm winery and at the facility, a separate
18 perpetual inventory of the product stored at the facility. Consumption of
19 alcoholic liquor at the facility is strictly prohibited; and

20 (i) Sell alcoholic liquor authorized under a farm winery license not
21 in its original package, such as sangria or wine slushies, to a person
22 twenty-one years of age or older for consumption off the premises if (i)
23 the alcoholic liquor is (A) not partially consumed and (B) in a labeled
24 and sealed container with a tamper-evident lid, cap, or seal, as approved
25 by the commission, and (ii) for alcoholic liquor transported in a motor
26 vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle
27 or the area behind the last upright seat of such motor vehicle if the
28 area is not normally occupied by the driver or a passenger and the motor
29 vehicle is not equipped with a trunk. A farm winery which sells alcoholic
30 liquor authorized under a farm winery license not in its original package
31 for consumption off the premises shall provide notice to the commission

1 during a farm winery licensee's initial licensure or at the time of the
2 annual renewal of such license regarding such sales.

3 (2) No farm winery shall manufacture wine in excess of fifty
4 thousand gallons per year.

5 (3) A farm winery may manufacture and sell hard cider on its
6 licensed premises. A farm winery shall not otherwise distribute the hard
7 cider it manufactures except by sale to a wholesaler licensed under the
8 Nebraska Liquor Control Act.

9 (4) A holder of a farm winery license may sell beer or other
10 alcoholic liquor not produced by the farm winery at retail for
11 consumption on the premises if the holder is also issued the appropriate
12 retail license for such sales at such location.

13 (5) (4) A holder of a farm winery license may obtain a special
14 designated license pursuant to section 53-124.11.

15 (6) (5) A holder of a farm winery license may obtain an annual
16 catering license pursuant to section 53-124.12.

17 (7) (6) A holder of a farm winery license may obtain a promotional
18 farmers market special designated license pursuant to section 53-124.16.

19 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
20 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
21 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.